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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte ADRIAN LOGAN, ROHIT JAIN, and ERIC FRITZLEY

Appeal 2015-002819
Application 12/393,515
Technology Center 2100

Before CARL W. WHITEHEAD JR., DANIEL N. FISHMAN, and AMBER L. HAGY, *Administrative Patent Judges*.

WHITEHEAD JR., *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants are appealing the Final Rejection of claims 1–21 under 35 U.S.C. § 134(a). Appeal Brief 1. We have jurisdiction under 35 U.S.C. § 6(b) (2012).

We affirm.

Introduction

The invention is directed to a computer-implemented method of altering an interface in which the interface is associated with an application having a time-dependent displayed event. Specification [0030].

Representative Claim (disputed limitations emphasized)

1. A method of altering an interface, said method comprising:

displaying, on a mobile communications device, an interface associated with an application having time-dependent events, said interface displaying at least one activatable component, wherein said interface includes a menu comprising the at least one activatable component and said interface is installed on the mobile communications device and wherein the application operates on the mobile communications device; and

at a pre-set time relative to a time for one of said time-dependent events, *altering said interface to add an additional activatable component to said menu thereby increasing the size of said menu or to set a pre-determined one of said at least one activatable component of said interface as a selected component*, wherein the additional activatable component is added based on the one of the time-dependent events in the application on the mobile communications device.

Rejection on Appeal

Claims 1–21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vander Veen (US Patent Application Publication Number 2007/0070940 A1; published March 29, 2007) and Xiao (US Patent Application Publication Number 2010/0005142 A1; published January 7, 2010). Final Rejection 3–28.

ANALYSIS

Rather than reiterate the arguments of Appellants and the Examiner, we refer to the Appeal Brief (filed September 30, 2014), the Reply Brief (filed January 13, 2015), the Answer (mailed November 20, 2014) and the Final Rejection (mailed January 30, 2014) for the respective details. We have considered in this Decision only those arguments Appellants actually raised in the Briefs.

We have reviewed the Examiner's rejections in light of Appellants' arguments that the Examiner has erred. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief, except where noted.

Appellants contend, according to the Final Rejection, Vander Veen dialog box 100a (shown in Figure 13) discloses the claimed interface having an application with time dependent events and buttons. Appeal Brief 11. Appellants further contend the alleged buttons shown in Figure 13 cannot correspond to the claimed "menu comprising the at least one activatable component" because the "Office never shows how Vander Veen's dialog box 100a is altered." Appeal Brief 11. Appellants argue that Vander Veen only shows that the dialog box is generated, not altered. Appeal Brief 11.

The Examiner finds Vender Veen discloses an interface displaying activatable components and further finds:

> Vander Veen teaches that an activatable component such as the call option can be removed after the scheduled event time (0062: "if the scheduled conference call time has already passed, the user is simply presented with a notice that the call time has passed, and is not given the option to join the call").

Final Rejection 5.

The Examiner further finds that:

> Xiao teaches altering interface by adding an added activatable component to said menu prior to the scheduled conference event thereby increasing the size of said menu (0056: for a 'join meeting' web page, a 'join meeting' option 620 may be present if the meeting has started or is about to start (e.g., within thirty minutes of the meeting starting) ... If unable to join before the host, attendees may be shown an inactive (e.g., 'grayed out') join

> meeting option 620 (as shown), or the option may not be present) ... , if an option is added to a menu then inherently the size of the menu has increased).

Final Rejection 5–6. Therefore, we do not find Appellants' argument persuasive because it is evident that both Vander Veen and Xiao disclose alterable interfaces in the same manner as claimed.

Appellants argue that Xiao fails to disclose altering the interface as claimed because Xiao's alleged interface "is only altered at a web server" and "*Xiao's* web page is not an installed component that can be altered at the mobile device." Appeal Brief 12–13. We do not find Appellants' argument persuasive because it has not been demonstrated that the software used to generate the interface of Vander Veen and Xiao is limited to either environment – web server or mobile client. Further, Appellants' arguments are conclusory because it is well known that web pages can be displayed, as well as altered, on mobile devices such as the one disclosed in Vander Veen. *See* Vander Veen, paragraph 29.

Appellants also argue that Vander Veen and Xiao are incompatible with each other:

> [T]here is also no motivation to add a further button to the dialog box 100a of *Vander Veen* to include the "join meeting" option 620 of *Xiao.* This is because dialog box 100a of *Vander Veen* already provides the call button 110a to allow a [user] to join a conference; thus there would be no need to also include the "join meeting" option 620 of *Xiao.* Given that *Vander Veen's* call button 110a (of dialog box 100a) provides similar behavior and functionality as the "join meeting" option 620 of *Xiao,* a person with ordinary skill in the art will not be motivated to add the join meeting option.

Appeal Brief 13.

The Examiner finds:

> [I]t would have been obvious to one having ordinary skill at the time of the invention was made to utilize the adding join meeting activatable option method of Xiao in the conferencing call scheduler and manager of Vander Veen because Xiao teaches a method that improves usability of the interface by dynamically notifying user of the immediate joining meeting status [paragraph] (0056).

Final Rejection 7.

We do not find Appellants' argument persuasive because:

> The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

See In re Keller, 642 F.2d 413, 425 (CCPA 1981).

Further, we agree with the Examiner's motivation to combine Vander Veen and Xiao because the Examiner supported the legal conclusion of obviousness by showing articulated reasoning with rational underpinning.[1]

Therefore, we sustain the Examiner's obviousness rejection of claim 1, as well as claims 2–21, not separately argued. *See* Appeal Brief 16–17.

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[1] The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art. *See In re Kahn*, 441 F.3d 977, 987–88 (Fed. Cir. 2006), *In re Young*, 927 F.2d 588, 591 (Fed. Cir. 1991) and *In re Keller*, 642 F.2d 413, 425 (CCPA 1981). The Examiner can satisfy this test by showing some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007) (*citing In re Kahn*, 441 F.3d at 988).

DECISION

The Examiner's obviousness rejection of claims 1–21 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED